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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,265	10/26/2000	David P. Golds	2360	3853

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EXAMINER

CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 01/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/697,265

Applicant(s)

GOLDS, DAVID P.

Examiner

Jean M Corrielus

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. This office action is a response to the RCE and amendment filed on January 12, 2004, in which claims 1-19 are presented for further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

3. Applicants are required to furnish the formal drawings in response this office action. No new matter may be introduced in the required drawing. Failure to timely submit a drawing will result in ABANDONMENT of the application.

Claim Rejections - 35 U.S.C. § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 recites the limitation "the addition" in line 4; and "the file data" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 U.S.C. § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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8. Claims 9-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Beyda et al., (hereinafter "Beyda") US Patent no. 6,012,130.

As to claim 9, Beyda discloses the claimed "a new storage mechanism configured to the same corresponding namespace" (col.1, lines 44-67; col.2, lines 24-29); "a component for migrating data of a file from the existing storage mechanism to the new storage mechanism in the same namespace" (col.2, lines 30-34); and "a link file on the existing storage mechanism, the link file associated with information for identifying the file data on the new storage mechanism" (col.2, lines 45-65; col.9, lines 59-63).

As to claim 10, Beyda discloses the claimed "a mechanism for handling file operation requests directed to the link file via the file data on the new storage mechanism" (col.2, lines 45-65; col.9, lines 59-63).

As to claim 11, Beyda discloses the claimed "wherein the mechanism includes a filter driver" (col.2, lines 45-65; col.9, lines 59-63).

As to claim 12, Beyda discloses the claimed "wherein the mechanism includes executable code of the file system" (col.2, lines 45-65; col.9, lines 59-63).

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As to claim 13, Beyda discloses the claimed “wherein the mechanism handles request for freespace by summing freespace of the existing storage mechanism with freespace of the new storage mechanism” (col.2, lines 40-65; col.5, line 30-col.9, line 65).

As to claim 14, Beyda discloses the claimed “wherein the information associated with the link file comprises a reparse point”(col.2, lines 40-65; col.5, line 30-col.9, line 65).

As to claim 15, Beyda discloses the claimed “wherein the reparse pint includes the identity of a file containing the file data” (col.2, lines 40-65; col.5, line 30-col.9, line 65).

As to claim 16, Beyda discloses the claimed “receiving a request to create a file on the first storage mechanism in the same space”(col.5, lines 62-65 and col.6, lines 1-18; col.7, lines 25-55); “creating the file on the second storage mechanism in the same namespace” (col.5, lines 62-col.6, line 39; col.7, lines 38-55); and “maintaining at least some file data of the file on the second storage mechanism” (col.8, lines 16-30; col.10, lines 32-52) and “providing a link on the first storage mechanism to the second storage mechanism”(col.2, lines 45-65; col.9, lines 59-63).

As to claim 17, Beyda discloses the claimed “returning a file handle to the link”(col.2, lines 45-65; col.9, lines 59-63).

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As to claim 18, Beyda discloses the claimed "detecting the existing of the second storage mechanism"(col.2, lines 45-65; col.9, lines 40-63).

As to claim 19, Beyda discloses the claimed "receiving requests including the file handle to the link, and modifying the request to include a file handle to the file on the second storage mechanism"(col.2, lines 45-65; col.9, lines 40-63).

9. Claims 1-8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Reason For Allowance

10. The following is an examiner's Statement of Reasons for Allowance:

The present application has been thoroughly reviewed. Upon searching a variety of databases (see search notes in case jacket), the examiner respectfully submits that -- detecting an additional of a new storage mechanism not mounted in a namespace of the file computer system viewable by a user; and providing a link on the existing storage mechanism to the file data moved to the new storage mechanism such that the file data moved to the new storage mechanism is accessible via the link-- in claim 1, and in combination with all other limitations of dependent and independent claims would not found anticipated or obvious over the prior art made of record (PTO-892, 1449).

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Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office Action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

11. Any inquiry concerning this communication or early communication from the Examiner should be directed to Jean Corrielus whose telephone number is (703) 306-3035. The Examiner can normally be reached on the weekdays from 7:00am to 5:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kim Vu, can be reached on (703)305-9343.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231 or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

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(703) 872-9306 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington,

VA., Sixth Floor (Receptionist).



Jean M. Corrielus

Patent Examiner

January 23, 2004